



California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman



Linda S. Adams
Agency Secretary

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Arnold Schwarzenegger
Governor

July 19, 2006

Mr. John Condon
Trinity County RCD
P.O. Box 1450
Weaverville, CA 96093

Dear Mr. Condon:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Lowden Fields Wetland Enhancement Project

File: Trinity County RCD – Lowden Fields Wetland Enhancement
WDID No. 1A06059WNTR

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your request, on behalf of the Trinity County Resource Conservation District (applicant), for Water Quality Certification for activities related to the Lowden Fields Wetland Enhancement project. On May 8, 2006, the Regional Water Board received your application and a \$500 processing fee. On June 22, 2006, we deemed the application complete and posted information describing the project on the Regional Water Board's website for a 21-day public review and comment period. We did not receive any public comments on this project.

Project Description: The project involves minor excavation and grading to install a flashboard riser dam that will be used to divert water from an existing ditch into an area of degraded wetlands that were previously drained for agriculture. The purpose of the project is to enhance the degraded wetlands and improve wildlife habitat and water quality in the Trinity River watershed.

Seasonal shallow groundwater and rainfall currently create a wetland pool complex in existing depressions within the degraded wetland area. Surface water runoff also enters a portion of the degraded wetland area from an ephemeral creek that typically flows from January to May. As surface water travels through the wetland pool complex, it meters out at several locations and eventually enters existing ponds and the tailings piles adjacent to the Trinity River.

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The source of water that will be used to enhance the degraded wetland area flows in a drainage ditch that enters the southwest portion of the wetland enhancement area through an existing culvert under Old Lewiston Road. The project involves adding a culvert and adjustable flashboard riser dam in a downstream section of the drainage ditch in the wetland enhancement area. The ditch is approximately 6 feet wide and 3 feet deep at the location of the flashboard dam and new culvert. The dam will have a 4 foot high flashboard riser attached to a 3 foot diameter culvert. The culvert will be covered with approximately 20 cubic yards of earthen fill material. The dam will allow water to be diverted from the ditch into the wetland enhancement area and the adjustable flashboard risers will also allow for variable water depths and flow rates through the enhanced wetlands.

Receiving Water: Snipe Gulch in the Douglas City Hydrologic Subarea No. 106.31

Filled or Excavated Area: Area Temporarily Impacted: none
Area Permanently Impacted: 80 square feet

Federal Permit: United States Army Corps of Engineers Nationwide Permit No. 27
(File No. 29270N)

Compensatory Mitigation: None

Noncompensatory Mitigation: Noncompensatory mitigation measures include the use of Best Management Practices for sediment and turbidity control.

CEQA Compliance: The Trinity County Resource Conservation District, as the lead CEQA agency, has determined that this project will have no significant effect on the environment and is categorically exempt from CEQA (Class 1 and Class 4).

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to the project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.
- 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an

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amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

- 3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions: Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The Regional Water Board shall be notified prior to the commencement of the project, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
- 2) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 3) A copy of this permit must be provided to the contractor and all subcontractors conducting the work, and must be in their possession at the work site.
- 4) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place during and after construction.
- 5) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any surface water.
- 6) Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in an unauthorized discharge or threatened discharge to waters of the United

States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the United States.

- 7) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and the Regional Water Board shall be notified promptly.
- 8) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Lowden Fields Wetland Enhancement Project (Facility No. 1A06059WNTR) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on October 15, 2006. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Dean Prat of our staff at (707) 576-2801 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification"

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94599
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502